

REMARKS

With this Amendment, claims 9-13 and 21-31 are pending and claims 1-8 and 12-20 are canceled. Claims 9, 22, and 23 are amended for formal reasons and claims 24-31 are new. Reconsideration in view of the above amendments and following remarks are respectfully requested.

*Claim Rejections 35 USC 112, Second Paragraph*

In the Office Action, claims 2-4, 6-8, and 15-19 are rejected under 35 USC 112, second paragraph as being indefinite. In view of the cancellation of these claims, this rejection is now moot.

*Claim Rejections 35 USC 102(b)*

In the Office Action, claims 2-4, 6-8, 15 and 17 are rejected under 35 USC 102(b) as being anticipated by Farris et al. ("Farris"). In view of the cancellation of these claims, this rejection is now moot.

*Claim Rejections 35 USC 103*

In the Office Action, claims 9-13, 16 and 18-23 are rejected under 35 USC 103 as being unpatentable over Farris in view of Gehrke. In view of the cancellation of claims 16 and 18-20, the rejection to those claims is now moot. This rejection with respect to claims 9-13 and 21-23 is respectfully traversed.

The Office Action contends that Farris discloses all of the claimed elements "except providing a central portion of the wheel with a plurality of fingers that engage the axle." The Office Action states that it would have been obvious "to provide the wheel opening of Farris et al. with a plurality of fingers as taught by Gehrke since the plurality of fingers allows the axle to be more easily attached and removed without damaging the axle or structure mounted thereto."

The rejection is improper for at least the following reasons: (1) even if the combination is proper, the resulting structure does not satisfy the structure recited in the claims; (2) the flexible fingers of Gehrke cannot be structurally provided to the wheel of Farris; (3) the combination as proposed destroys the intended purpose of Farris; and (4) there is no motivation to combine the references as proposed in the Office Action.

*1. Even if the Combination is Proper, the Resulting Structure Does Not Satisfy the Structure Recited in the Claims.*

As seen in Fig. 5 of Gehrke, the flexible fingers 70 are merely bayonet-type fasteners that do not contact the member they fasten (i.e., the inner race 14) at any point other than at the radial flange 58 of the flexible finger 70. Thus, even if Farris and Gehrke could be combined as suggested, the resulting structure would not satisfy the claims since the resulting structure would necessarily include flexible fingers 70, which act as bayonet-type fasteners and which are not structurally able to engage the axle as claimed. In particular, the flexible fingers 70 of Gehrke do not provide any structure that would enable a surface of the finger 70 to “engage a central portion of the axle,” as recited in claim 9 or to “engage the axle such that the wheel is rotatably mounted on the axle and can pivot on the axle,” as recited in claim 10.

Additionally, the flexible fingers 70 of Gehrke do not provide any structure that would enable a surface of the finger 70 to “engage a central portion of the axle,” wherein the central portion is “an enlarged portion of the axle,” as recited in claim 11, or “substantially spherical in shape,” as recited in claim 12, or “substantially ellipsoidal in shape,” as recited in claim 13.

Further, the flexible fingers 70 of Gehrke do not provide any structure that would enable a surface of the finger 70 to be “contoured to the shape of the outer surface of the axle to surround the axle,” as recited in claim 21, or to have “a concave surface, which is substantially similar to the shape of the exterior surface of the non-cylindrical central portion of the axle, and each flexible finger is constructed and arranged to flex outwardly from an axis of the axle when the non-cylindrical central portion of the axle is captured by the flexible fingers and positioned adjacent the concave surfaces of the flexible fingers,” as recited in claim 23.

*2. Flexible Fingers of Gehrke Cannot Structurally be Combined with Wheel of Farris*

The Office Action proposes providing the axial retainer of Gehrke to the wheel of Farris. However, this is not structurally possible, and it is improper for the Office Action to make the proposed combination in the abstract.

In the previous, September 23, 2005 Amendment, arguments were presented that explained in detail the structural problems with providing the flexible fingers of Gehrke to the wheel of Farris. Most significantly, the fingers of Gehrke project as male connectors that

extend into a female connector and exert forces that extend radially outwardly from a radial flange 48 such that each finger “positively biases” against the female member to form a positive “lock.”

The December 15, 2005 Office Action stated that “it appears that the applicant’s arguments are more limiting than that of the claims.” However, these arguments are *not* directed to claim limitations but, instead, are directed to the manner in which one of ordinary skill in the art would provide the flexible fingers of Gehrke to the wheel of Farris. It is not clear from the Office Action, or the references, how the proposed combination is possible, or how one of ordinary skill in the art would provide the fingers of Gehrke to the wheel of Farris while not destroying the intended function of the roller 48. At best, the proposed combination necessarily requires that fingers are somehow attached to the interior of the roller 48 and the spherical head 70 is hollowed-out to receive the flexible fingers and accept their radially outwardly extending, positively biasing, locking force. However, there are no disclosures or suggestions to in the prior art provide for such a combination.

### *3. Proposed Combination Destroys the Roller of Farris*

Even if one could make the proposed combination, the resulting structure would destroy the intended purpose of Farris. As set forth above, Gehrke discloses flexible fingers that extend from a base element (the shaft 18) and are intended to apply a positive force *against* the attaching element (the inner race 14 of the half shaft assembly 10) to provide a secure engagement to positively lock the elements together. If the flexible fingers of Gehrke were provided to the roller of Farris, the resulting fingers of Farris would necessarily provide a positive bias against the spherical head 70 to form a positive “lock,” which would prohibit movement of the roller relative to the spherical head 70. Thus, the ability of the roller to roll would be prevented and, and the purpose of the roller of Farris would be destroyed.

### *4. No Motivation to Combine*

Gehrke discloses an axial retaining member 12 having flexible fingers that engage an inner race 14. Gehrke states that the axial retaining member is “for interconnecting two components and *preventing motion* therebetween,” (col. 1, lines 3-4, emphasis added) and that “the fingers are preferably proportioned such as to be in a stressed condition when in use such as to *positively lock* the axial retaining member to one of the male or female members (col. 3, lines 60-63, emphasis added). Gehrke further states that when the flexible fingers are

engaged, “a resilient restoring of the flexible fingers 70 *positively biases* the fingers outwardly and contributes to a *secure engagement* between the axial retaining member 12 and the inner race 14” (col. 7, lines 22-25, emphasis added). Thus, it is clear that Gehrke discloses flexible fingers that extend from a base element (the shaft 18) and are intended to apply a positive force *against* the attaching element (the inner race 14 of the half shaft assembly 10) to provide a secure engagement to positively lock the elements together.

The Office Action contends that it would be obvious to provide the wheel opening of Farris et al. with a plurality of fingers as taught by Gehrke. However, there is *no* motivation to provide fingers to Farris that would “positively lock,” or provide a plurality of fingers that “positively biases” against the spherical head 70 since the “roller” 48 of Farris inherently must move freely relative to the spherical head 70. The outstanding Office Action states that it would be obvious to make the combination since “[t]he purpose of any flexible fingers and specifically flexible fingers which provide a mounting feature are well known in the fact of reducing pressure between two parts when attaching two parts/elements together.” However, that statement does not provide sufficient motivation for providing bayonet-type fasteners, such as disclosed by the flexible fingers 70 of Gehrke, between the spherical head 70 and the roller 48 of Farris, especially when there appears to be no practical, structural way of doing so.

For the reasons set forth above, the rejections are believed improper and there withdrawal is respectfully requested. Since the prior art does not disclose or suggest a wheel guide assembly as claimed, the claims are allowable over the prior art of record.

Claims 11-13 and 21-23 depend from and further limit claim 10 and are allowable at least for the reasons set forth above with respect to claim 10.

#### New Claims

New dependent claims 24-31 are added to define additional aspects of the invention and are allowable over the prior art of record. Additionally, claims 24-31 depend from and further limit one of claims 9 and 10 and are allowable at least for the reasons set forth above with respect to claims 9 and 10, respectively.

All claims being believed allowable, the application is believed to be in condition for allowance. The Examiner is encouraged to contact the Applicant's representative with any question that may arise.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



THOMAS P. HILLIARD  
Reg. No. 40330  
Tel. No. 703.770.7591  
Fax No. 703.770.7901

Date: November 22, 2006  
P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900